

COUNTY OF YORK

MEMORANDUM

DATE: December 20, 1999 (BOS Mtg. 1/19/00)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator

SUBJECT: Appointment of Two Alternate Members to the Board of Zoning/Subdivision Appeals

The York County Board of Zoning/Subdivision Appeals, otherwise known as the BZA, currently consists of five members, each of whom is appointed by the Circuit Court. The Board hears requests for variances from the zoning and subdivision ordinances, variances and exemptions to the Chesapeake Bay Preservation Act, and appeals from decisions of the Zoning Administrator. Pursuant to State statute, a vote of at least three members of the Board is required for any action of the BZA, meaning that on nights when two of the Board members may be unable to attend a scheduled public hearing, the unanimous vote of the remaining three members is required for action. Attached is a letter from Marvin Rhodes, Chairman of the York County BZA, requesting that the County Board of Supervisors request the York County Circuit Court to appoint two alternate members to the BZA, pursuant to Va. Code § 15.2-2308. That section authorizes a Circuit Court to appoint not more than three alternates to a Board of Zoning Appeals upon request of the local governing body. The Circuit Court, however, could choose not to do so, or to appoint only one alternate member, in its discretion. That same code section requires any member of the BZA who knows that he or she will be absent from a meeting to so notify the Chairman of the BZA at least twenty-four hours in advance of the scheduled meeting. The Chairman will then select an alternate to serve in the absent member's place.

Members of the BZA are not paid an annual salary, but are paid a stipend of \$35.00 for each meeting actually attended. That same stipend would be paid to the alternate members as well.

I have attached a resolution which, if adopted, would authorize the County Attorney to forward a request to the York County Circuit Court for the appointment of two alternate members. If the Board desires to request the appointment of alternates and would prefer to recommend persons for appointment, I will be happy to forward an appropriate resolution and current Board Bank applications to you for consideration at the February 2 Regular Meeting.

Barnett/3340:sw
Attachment: Resolution R00-7